

IT IS ORDERED

Date Entered on Docket: August 24, 2021



The Honorable Robert H Jacobvitz
United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW MEXICO

IN RE:

DAWN RENEE MONTANO
a/k/a DAWN POLLARO

Debtor.

§
§ CASE NO. 21-10870-j7
§
§ CHAPTER 7
§
§

**STIPULATED AND DEFAULT ORDER MODIFYING
AUTOMATIC STAY AND FOR ABANDONMENT
OF REAL PROPERTY AND 2014 MANUFACTURED HOME**

Came on for consideration the Stipulated and Default Order Modifying Stay and for Abandonment relating to the Motion for Relief from Stay and Abandonment filed July 22, 2021 (Doc #10) as to real property and the manufactured home located at 17 Coyote Springs Rd. SE, Albuquerque, Bernalillo County, New Mexico 87123, and the Court after considering that Debtor has agreed to this Stipulation as evidenced by her counsel's signature hereon and upon representation of counsel that Notice of the Motion for Relief from Stay and to Compel Abandonment was given on July 22, 2021 and the response deadline of August 16, 2021 has

expired, and no objection has been served within the time to object, including applicable allowance of three (3) days for mailing. The Court finds that cause exists to lift the automatic stay and the property is burdensome to the estate and should be abandoned.

ORDERED that the Real Property and Manufactured Home described herein is abandoned by the Trustee as burdensome to the estate and it is further;

ORDERED that the requested relief from automatic stay provided by 11 U.S.C. § 362(a) of the Bankruptcy Code be granted and the automatic stay is hereby terminated to permit 21st Mortgage Corporation to take all such action, *in rem*, permitted under its Note and Mortgage and applicable law, *in rem only*, including foreclosure of its mortgage and security interest in the following property:

File No.: 01147-11898

Lot lettered "A", Lands of Marcelino Herrera, as the same is shown and designated on the plat thereof, filed in the office of the County Clerk of Bernalillo County, New Mexico, on June 8, 2010, in Plat Book 2010C, Page 72, as Doc. No. 2010052136, including the 2014 Deming Manufactured Home SN DMH-5118NF/NB attached thereto.

ORDERED that this action is in rem only and any equity upon sale shall be delivered to the Debtor as allow by law.

#

Submitted By:

CRADDOCK DAVIS & KRAUSE, LLP

/s/ Susan P. Crawford

Susan P. Crawford
State Bar No. 24695
Michael J. Craddock
State Bar No. 9652

210 Montezuma, Suite 200
Santa Fe, NM 87507
(505) 820-3368
(214) 336-6430 (Direct)
(214) 750-3551 (Fax)

*ATTORNEYS FOR
21st MORTGAGE CORPORATION*

APPROVED:

/s/ Nephi Hardman per email 8/16/2021

Debtors Attorney

Nephi Hardman
Nephi D. Hardman Attorney at Law, LLC
9400 Holly Ave NE Bldg 4
Albuquerque, NM 87122
Email: nephi@turnaroundbankruptcy.com

Copies:

Debtor

Dawn Renee Montano
a/k/a Dawn Pollaro
1208 Espejo St NE
Albuquerque, NM 87112

Trustee

Phillip J. Montoya
Trustee
1122 Central Ave. SW Ste. #3
Albuquerque, NM 87102
Email: pmontoya@swcp.com

US Trustee

United States Trustee
P. O. Box 608
Albuquerque, NM 87103
ustpreion20.aq.ecf@usdoj.gov